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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3857 of 2005

- Petitioner
1. Jivrakhan Lal Chandrakar S/o Jhaduram Chandrakar, Aged 55 yrs. R/o Kachandur, Gundardehi, Durg (C.G.).
 2. Puniram Patel, S/o Thakur Ram Patel, Aged 52 yrs. R/o Ranchirai, Durg (C.G.)
 3. Pheru Ram Baghel, S/o Ram Lal Baghel, Aged 40 yrs. R/o Arjuni (Gorkapar), Gundardehi, Durg (C.G.).
 4. Sukhen Lal Sonwani, S/o Bhagat Ram Sonwani, Aged 39 yrs. R/o Tamora, Gundardehi, Durg (C.G.)
 5. Sulakshan Kumar Piparia, S/o Padman Singh, Aged 46 yrs. R/o Kodewa, Gundardehi, Durg (C.G.).
 6. Vishnu Prasad Deshmukh, S/o Shivilal Deshmukh, Aged 46 yrs, R/o Sakraud, Gundardehi, Durg (C.G.).
 7. Ishwari Prasad Sarang, S/o Tejram Sarang, Aged 40 yrs. R/o Tikri, Arjunda, Distt. Durg (C.G.).
 8. Ram Chandra Yadav, S/o Harlal yadav, Aged 56 yrs. R/o Bhilai (Chicha), P.O. Gubdi, Arjunda, Durg (C.G.)
 9. Pratap Singh Devdas, S/o Ratiram Devdas, Aged 44 Years, R/o Matwari, The. Gundardehi, Distt. Durg (C.G.).

Versus

- Respondents
1. State of Chhattisgarh, Through the Secretary, Department of School Education, Secretariat, Raipur C.G.
 2. Distt. Education Officer, Durg (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri M. P. S. Bhatia, Advocate for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 13th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioners while working as Lower Division Teachers in respective schools in District – Durg were transferred, on the same terms and conditions, vide impugned order dated 6.9.2001 (Annexure A/1).

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2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 1.10.2001 directed to maintain status quo in regard to the position of the petitioner as was prevailing on 24.9.2001. By virtue of the interim order the petitioners are continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can entertain judicial review only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge